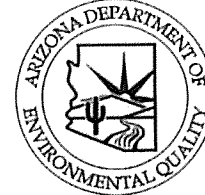


Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Water Quality Complaint Inspection Report

Facility Name: Hickman's Family Farms - Tonopah	Complaint No: 12655
Physical Location: 41625 W Indian School Road City, State, Zip: Tonopah, AZ	Inspection No.: 258072
County: Maricopa	Arrival Date and Time: 4/8/2016 12:00 PM
Mailing Address: 6515 S Jackrabbit Trail City, State, Zip: Buckeye, AZ 85326	Inspector(s): G. Gutierrez
Coordinates (for new locations): Latitude: Deg.: Min.: Sec.: Longitude: Deg.: Min.: Sec.:	Inspector Phone: (602) 771-3958 Inspector Email: grg@azdeq.gov
Owner/Responsible Party: Hickman's Egg Ranch, Inc. Click here to enter text.	Was Inspection Announced? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Onsite Contact Person(s)/Facility Operator(s): Kevin Whitehurst Food Safety Analyst	Weather: Partly Cloudy
Nearest Receiving Water, if applicable (indicate distance):	
Inspection Report Issued: Via flashdrive at facility	Facility Initial: <i>KW</i> ADEQ Initial: <i>GRG</i>
Results of Inspection: <input checked="" type="checkbox"/> No deficiencies were noted during the course of the inspection. No ADEQ action will result from this inspection. <input type="checkbox"/> Potential deficiencies were noted during the course of the inspection. Additional correspondence regarding this inspection may be forthcoming.	
Comments: During this inspection, ADEQ observed the following: <ol style="list-style-type: none"> 1. Well (irrigation) water was observed running through the irrigation canal identified by the complainant. No odor or discoloration of the water was observed. 2. No standing water or stormwater run-off was observed from the facility property ground. Measurable rain was evident from the night before. 3. No water discharge from the hen buildings was observed; gray water lined ponds had enough freeboard. 	
Attachments: Attachment A – Notice of Inspection Rights	
PHOTOGRAPHS TAKEN DURING INSPECTIONS ARE AVAILABLE ON REQUEST	

Description of the Complaint	Manure-smelling water running in the irrigation canal.
Observations:	See comments on page 1.
Comments and Potential Deficiencies:	No potential deficiencies observed during this inspection.

HICKMAN'S
family farms



Shari Yeatts
Compliance Manager
Office (623) 872-2358
Cell (623) 692-8451
seyatts@hickmanseggs.com
www.hickmanseggs.com

HICKMAN'S
family farms



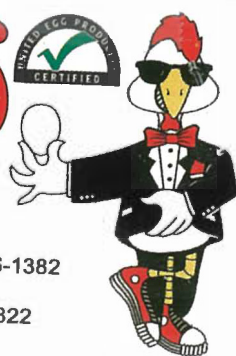
Billy Hickman
VP of Operations / Owner
Office Phone- 623-872-2373
Cell Phone - 623-764-0757
Bhickman@hickmanseggs.com

HICKMAN'S
family farms



Paul Yeatts
Project Coordinator
Office - 623-872-2354
Cell Phone- 623- 694-5190
Fax -623-328-0441
pyeatts@hickmanseggs.com
32902 W. Ward Rd, Arlington AZ 85322

HICKMAN'S
family farms



Frank Ruiz
Safety Coordinator, Hablo Español
Cell (623) 764-3878
Office (623) 386-1333 • Fax (623) 386-1382
fr Ruiz@hickmanseggs.com
32425 Salome Hwy, Arlington, AZ 85322
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Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Henry R. Darwin
Director

January 27, 2015

Inspection ID #: 230406

Hickman's Egg Ranch, Inc.

Attention: Billy Hickman, Vice President
6515 S. Jackrabbit Trail
Buckeye, AZ 85326

Re: Complaint Response Inspection of Hickman's Family Farms - Tonopah, located at 41625 West Indian School Road, Tonopah, AZ 85354 - 7322

Dear Mr. Hickman:

The Water Quality Compliance Field Service Unit I (WQCFSU) of the Arizona Department of Environmental Quality (ADEQ) has enclosed an inspection report regarding the inspection conducted at the above referenced facility on December 18, 2014. The inspection was conducted to determine compliance with Arizona Revised Statutes (A.R.S.) Title 49, Chapter 351 *et seq.*, Arizona Administrative Code (A.A.C.) R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations), and pursuant to the authority in A.R.S. § 41-1009, A.R.S. §49-203(B)(1), and A.A.C. R18-9-110(A).

As indicated in the enclosed "Inspection Report" no deficiencies were observed during the inspections and during the review of ADEQ records by WQFSU staff. No ADEQ action will result from the inspections.

If you have any questions, please feel free to contact me at any time.

Sincerely,

Robert Phalen
Biosolids Coordinator
Arizona Department of Environmental Quality
Water Quality Division
1110 West Washington Street
Phoenix, Arizona 85007
Phone: 602-771-7674
Fax: 602-771-4505
rp4@azdeq.gov

Attachments: WQCFSU Inspection Report and Photo Log, dated December 18, 2014
ADEQ Complaint Receipt Form, dated December 2, 2014
ADEQ Notice of Inspection Rights Form, dated December 18, 2014

REF#: WQFSU I 15-270

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
Water Quality Division - Water Quality Compliance Section
Water Quality Compliance Field Service Unit I (WQCFSU)

COPY

SUMMARY OF INSPECTION

Facility: Hickman's Family Farms - Tonopah

Place ID #: 146731

Aquifer Protection Permit: N/A

AZPDES Permit #: N/A

Storm Water Permit #: N/A

Inventory #: N/A

Inspected by: Robert Phalen, ADEQ WQCFSU

Inspection Date: December 18, 2014

Accompanied by: Tyler Viliborghi, ADEQ WQCFSU
Shari Yeatts, Compliance Manager, Hickman's Family Farms
Frank Ruiz, Safety Coordinator, Hickman's Family Farms
Rosalinda Luna - Sheade, Training and Development, Hickman's Family Farms
Billy Hickman, Vice President, Hickman's Egg Ranch, Inc.

Inspection Purpose and Scope:

On November 14, 2014, the ADEQ WQCFSU received a confidential complaint (Compliant ID #: 11407) in reference to Hickman's Family Farms - Tonopah. The complaint stated that since the first chicken house was populated on September 16, 2014, there is no evidence that the facility has been issued the proper permits from ADEQ, or that site-specific nutrient management practices are in place. A copy of the complaint has been included with this report as Attachment #1.

The purpose of the inspection was to determine compliance with Arizona Revised Statutes (A.R.S.) Title 49, Chapter 351 *et seq*, Arizona Administrative Code (A.A.C.) R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations; and pursuant to the authority in A.R.S. § 41-1009, A.R.S. §49-203(B)(1), and A.A.C. R18-9-110(A).

Facility Description:

The Hickman's Family Farms - Tonopah is a large Concentrated Animal Feeding Operation (CAFO) for the production of shell eggs located on an approximately 356 acre plot south of Indian School Rd. west of 411th Ave. The property is in the western half of Section 26 and the southwestern quarter of Section 23, Township 2 North, and Range 7 West.

The facility will be constructed in 4 phases each consisting of 7 laying houses. Phases One and Two will process eggs in a shared egg processing building with adjoining lined impoundments for process wastewater. Phases Three and Four will share a separate egg processing building and lined impoundments. Phase #1 and #2 are being constructed on an approximately 80 acre section located entirely on Maricopa County Parcel No. 506-34-039A. The remaining land surrounding the facility is owned by Hickman's Family Farms, and is leased for agricultural crop production and is not part of the facility operation.

Each laying house supports 300,000 birds and uses separate conveyer systems to transport eggs, feed and manure. The manure from each laying house is conveyed to a covered concrete pad integrated into each building. All manure generated at the facility is loaded into trucks and processed off-site into fertilizer at Hickman's Egg Ranch, Inc., located at 32425 W Salome Hwy, Arlington, AZ.

Eggs from each phase of 7 houses are conveyed together into the egg processing building where they are washed, inspected, sorted, and packaged. Grey water from the egg washing process runs into the lined surface impoundments behind the processing building for evaporation purposes. The surface impoundments were constructed in accordance to the previously approved design of process wastewater impoundments at the Hickman's Family Farms Arlington facility. ADEQ received an Aquifer Protection Permit Determination of Applicability on Thursday, January 8th, 2014 from Huston Environmental Services on behalf of Hickman's Family Farms regarding the process wastewater impoundments at the Tonopah facility.

Phase One is scheduled to be completed in 2015 and will house approximately 2.4 million birds between all 7 laying houses. At the time of the inspection, approximately 900,000 chickens were housed at the facility in lay houses # 1-3. Lay houses #1 and #2 were at full production, while lay house #3 was being populated. Construction of Phase Two will begin there after. No time table has been set for the construction of phases Three and Four.

Observations:

At the time of inspection, the WQCFSU representative was presented the nutrient management plan as prepared by Huston Environmental Services in accordance with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), National Engineering Handbook guidelines.

The WQCFSU representative observed manure conveying systems inside the lay houses #1-4 used to collect manure in covered the holding/drying areas on the east side of the lay houses. Manure holding/drying areas were observed at lay houses #1-7, documented in photographs #03 through #09.

Inside the egg processing building, the WQCFSU representative observed the egg washing processes, equipment and water discharge; documented in photos #10 and #11. Located behind the egg processing building, the lined surface impoundments utilized to retain grey water from the egg washing facility were observed to be in good condition, without structural damage and without cracks in the liner; documented in photographs #12 and #13.

The WQCFSU representative observed the facility adhering to NRCS best management practices, satisfying the requirements of the Arizona Pollution Nitrogen Management General Permit for CAFO's pursuant to Arizona Administrative Code R18-9-403. The Hickman's Family Farms – Tonopah facility has not, nor intends to discharge into a water of the United States, therefore is not required to obtain an Arizona Pollutant Discharge Elimination System (AZPDES) CAFO General Permit and is not required to submit a Notice of Intent (NOI).

At the conclusion of the inspection, the WQCFSU representative stated that no deficiencies were observed during the inspection and during the review of ADEQ records by WQFUSU staff.

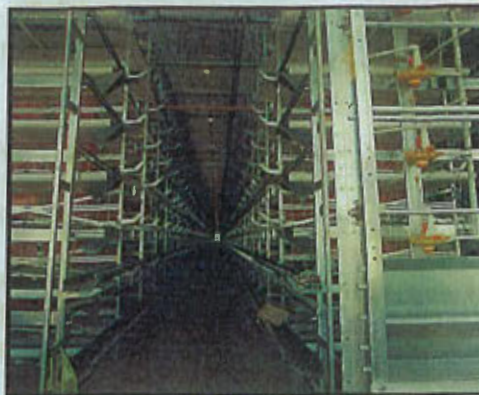
End of Report.

Request Photographs Taken During the Inspection

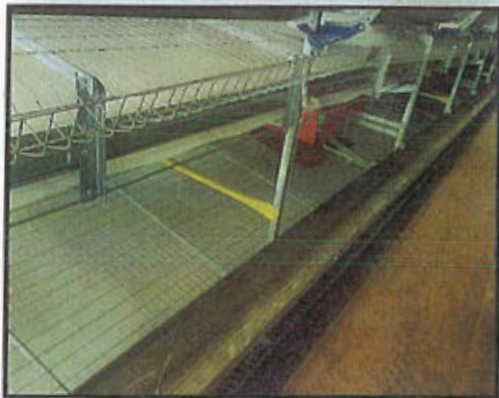
COPY



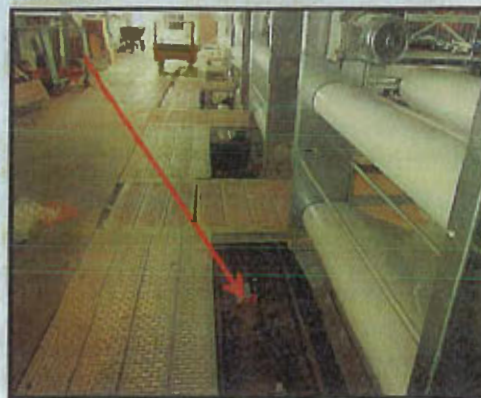
Hickman's facility signage on W. Indian School Road.



Overview of Lay House #4 (under construction).



Manure conveyors located directly underneath cages.



Conveyer belt end point. Manure is scraped and conveyed to holding / drying area (highlighted with a red arrow).



Manure collection point prior to holding / drying area.



Manure holding / drying area #1 - originating from Lay House #1.

COPY



Manure holding / drying area #2 - originating from Lay House #2.



Manure holding / drying area #1, and future holding / drying areas #8 - #14 (highlighted with a red arrow).



Manure holding / drying areas #2 - #7.



Overview of the egg washing equipment.



Overview of the egg washing equipment.



Overview of surface impoundment pond #1.



Overview of surface impoundment pond #2 general area (highlighted with a red arrow).

Attachment #1

**ADEQ Complaint Receipt Form
Dated December 2, 2014**



Arizona Department of Environmental Quality
Complaint Receipt Form

Site/Operator/Source Name:

Place Not Determined

Responsible Party:

Responsible Party Not Determined

Date: 12/02/14	Taken By:
Complaint #: 11407	
Date Assigned:	Priority Code:
Assigned to: Phalen, Robert	Phone: (602) 771-7674

Address:

Address Not Found

Location:

Phone:

Type of Operation:

Major Cross Streets:

Hickman's Family Farms - Tonopah
41625 W. Indian School Road
411th Ave. & Indian School Road
Tonopah

County: Maricopa

Description of Complaint:

A public records request (CTS323096) was made for Hickman's Family Farm's Tonopah facility and there was no documentation that a Notice of Intent was filed (R18-9-C901.B); that a general permit was issued (R18-9-C901.E); that the Director conducted an onsite inspection of the animal feeding operation to make a CAFO determination (R18-9-D901.C), so it is not known if the facility is a CAFO (R18-9-D901); that a Nitrogen Management General Permit as issued (R18-9-403); that site-specific nutrient management practices are in place (R19-9-D902.C); or documentation of the coefficient of permeability for actual impoundment liner installed (R18-9-403.B). On or before September 16, 2014 the first chicken house was populated at the Hickman's Family Farms Tonopah facility. Photos documenting this event can be provided. A chicken house holds 300,000+ hens. A second chicken house is being or has been populated so there are possibly 600,000+ hens at the facility. Needless to say, it is in operation and there is no evidence that they have the proper permits from ADEQ. Request that ADEQ investigate and take prompt enforcement actions. I request a copy of the resolution to this complaint. This may be a duplicate. I attempted to file this complaint on November 10th, but cannot find the automated reply with the complaint number.

Date of Occurrence: 09/16/14

Substance Involved: Lack of permits

Quantity of Substance: Unknown

Medium Affected: Water

Best Time to Witness:

Verifying Documentation:

Complainant Name:

CONFIDENTIAL

Referring Agency:

Phone:

Agent's Name:

E-Mail:

Phone:

Address:

"Do you feel that release of your name may result in substantial harm to any person, including yourself, or to the public health or safety?" YES

"Have you been referred to ADEQ?" NO

If YES, describe:

By Whom:

Follow-up Requested: YES

Attachment #2

**ADEQ Notice of Inspection Rights Form
Dated December 18, 2014**



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION

ADEQ INFORMATION

Facility Name (Customer):	Hickman's Family Farms - Tonopah	Date/Time of Inspection:	12-18-14 @ 10:15 AM
Facility Location (Place):	41625 West. Indian School Road, Tonopah, AZ 85354 - 7322	County:	Maricopa
Mailing Address:	6515 S. Jackrabbit Trail, Buckeye, AZ 85326	Inspector:	Robert Phalen, Biosolids Coordinator
Responsible Party:	Hickman's Egg Ranch, Inc.	Telephone:	602-771-7674 rp4@azdeq.gov
On-Site Representatives:	Billy Hickman	Accompanied by:	N/A
Telephone:	BH: 623-386-1303	ADEQ Follow-up Contact:	Tyler Viliborghi
Title:	BH: Vice-President	Title:	Environmental Program Specialist
E-Mail:	bghickman@hickmanseggs.com	Telephone:	602-771-7667 tv1@azdeq.gov

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

☒ That the purpose of the inspection is to determine:

☒ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:

Arizona Revised Statutes: N/A

Arizona Administrative Code: Title 18, Chapter 9 et seq.

☒ A.A.C. R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations)

Permit/Agreement Number: N/A

☐ Qualification for a license issued pursuant to:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

☒ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § 41-1009, 49-203(B)(1)

Arizona Administrative Code: R-9-110 (presentation of credentials, right of entry)

☒ A.A.C. R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations)

Permit/Agreement Number: N/A

☒ That the fee for this inspection is: ZERO

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection

☐ I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.

Signature of Regulated Person or Authorized On-Site Representative

December 18, 2014
Date

☐ The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative

Title

☐ The regulated person or an authorized on-site representative was not present at the facility.

Signature of ADEQ Representative

December 18, 2014
Date

☐ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.

☐ I understand that I have right to, on request:

- Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
- A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
- Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense;
- Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.

☐ I also understand that:

- Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
- Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded;
- If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12901 *et seq.*;
- If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4322 toll free inside Arizona at (800) 234-5677, extension, 771-4322; or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 toll free at (800) 872-2879;
- If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Administrative Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY (ACG2013-001) FIELD INSPECTION REPORT**

PERMIT INFORMATION		INSPECTOR	
AZCON	80915	Inspector Name	Deborah Schadewald-Kohler
Inspection ID	215474	Inspector Phone	602-771-2225
Inspection Date	12MAY14	Inspector email	DS11@AZDEQ.GOV
Weather	Clear + windy		
FACILITY			
Facility Name	Hickman's Family Farms - Tonopah		
Location	41625 W Indian School Rd		
Total Acreage	339	Disturbed	81
		Operations	
RESPONSIBLE PARTY			
Name		Telephone/email	
Owner	Hickman's Egg Ranch, Inc.	623-872-1120	
Mailing Address	6515 S Jackrabbit Trail, Buckeye, AZ 85326		
Operator			
Mailing Address			
<input type="checkbox"/> Potential deficiencies		<input checked="" type="checkbox"/> No further action will result from this inspection	
Signature of representative below documents recipient of this inspection report.			
Representative Signature <u>Mailed to Glenn Hickman, President</u>			
Printed Name _____			
Note: Photographs taken during the inspection are available upon request			

PERMIT		Y	N	N/A	
Multiple operators on site		X	X		
Site specific SWPPP		X			
Site specific BMPs		X			
No exposure or discharge (site is lower than surrounding parcels)				X	
Municipal separate storm sewer system (MS4)					
Operator of the MS4? _____				X	
RISK ASSESSMENT					
Nearest receiving surface water: <u>Unnamed Wash</u>		Distance: <u>< 50 feet</u>			
Dry wells <u>NA</u> Registration Numbers: _____					
Impaired or Outstanding Arizona Water (R18-11-112.G, R18-11-101.28) (7.0)		Y	N	N/A	
Required monitoring implemented (water within 1/4 mile or project)				X	
Total Maximum Daily Load (TMDL) _____ ???					
Sampling is conducted and reported to ADEQ on time				X	
Monitoring plan and records including copy of 305(b) / 303(d)				X	
Correct parameters were being measured (DMR 7.0)				X	
SITE INSPECTION		Photo	Y	N	N/A
Track-out prevention			X		
BMPs installed properly			X		
Perimeter was protected (BMPs, walls...) <u>Natural buffers</u>		✓	X		
Storm drains were protected					X
Retention basins meet 100-year, 2-hour storm event capacity			X		
Outfalls protected <u>NONE</u>					X
Good housekeeping - free of debris					
Lined and maintained washouts - batch plant pad		✓	X		
Spill prevention, secondary containment (materials, fueling, chemicals...) <u>improvement</u>					X
SWPPP inspections 7-day <u>✓</u> 14-day _____ Last rain event (<.05") <u>*</u>					X
BMP maintenance required with rain event:					
<u>*NO RAIN AT SITE IN MARCH (NOT MEASURABLE)</u>					

Site Inactive > 14 days (describe protection if not stabilized) (Sec 3.1.2, Appendix B)BMPs: Shrub windbreak - Buffer - silt fence Temporary Stabilization: N/A Site ActiveInspection frequency: 7 days Completed: — (NOT 2.5)**SWPPP (6.0)**

	Y	N	N/A
Identification of storm water pollution prevention team	X		
Summary of pollutant sources	X		
Site map with name and location of BMPs	X		
Control measures to be used during construction activities	X		
Receiving waters listed	X		
Related Permits or requirements (404 permit, agencies receiving a copy of the NOI...) <u>Grf</u>	X		
Updates and modifications listed <u>Informed</u>			X
Required notice to other operators <u>Informed</u>			X
Inspection report contains scope and components required by Permit (4.3-4.4)	X		
Follow up inspections conducted when deficiencies noted	X		
Past inspections available for review	X		
Copy of Notice of Intent (NOI)	X		
Copy of current permit (AZG2013-001)	X		

CORRECTIVE ACTIONS

	Y	N	N/A
Corrective actions made and documented within seven days <u>NONE YET</u>			X

OBSERVATIONS AND COMMENTS

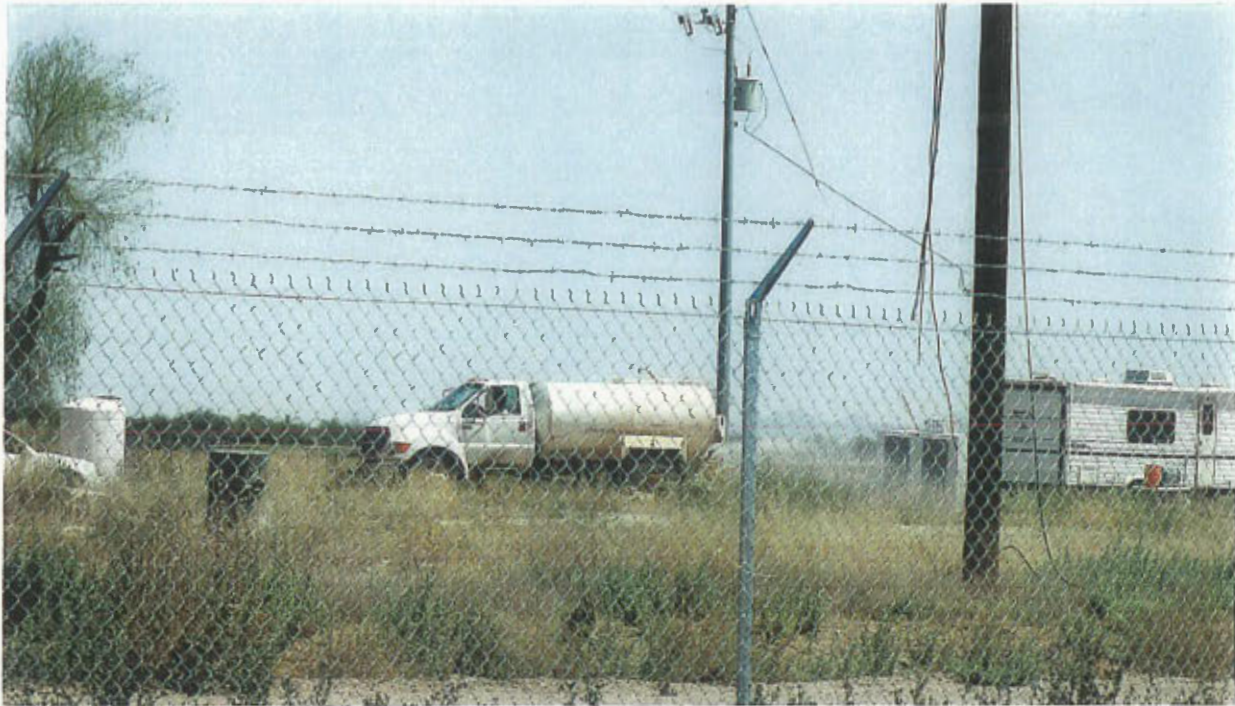
Facility representative must file Notice of Termination (N.O.T.) to ADEQ upon completion of final stabilization. (2.5)
<u>Property lower than surrounding area, buffers missing* + natural BMPs (road, field, irrigation ditch) site secure. Advised to use impermeable pad for fuel tank. Send photos of facility, secure area. Post the AZCON-80915 at the entrance and send photo.</u>
<u>* Photo</u>



1) West border from Indian School Rd facing south.



2) North border from Indian School Rd facing east.



3) Dust control (facing southeast).



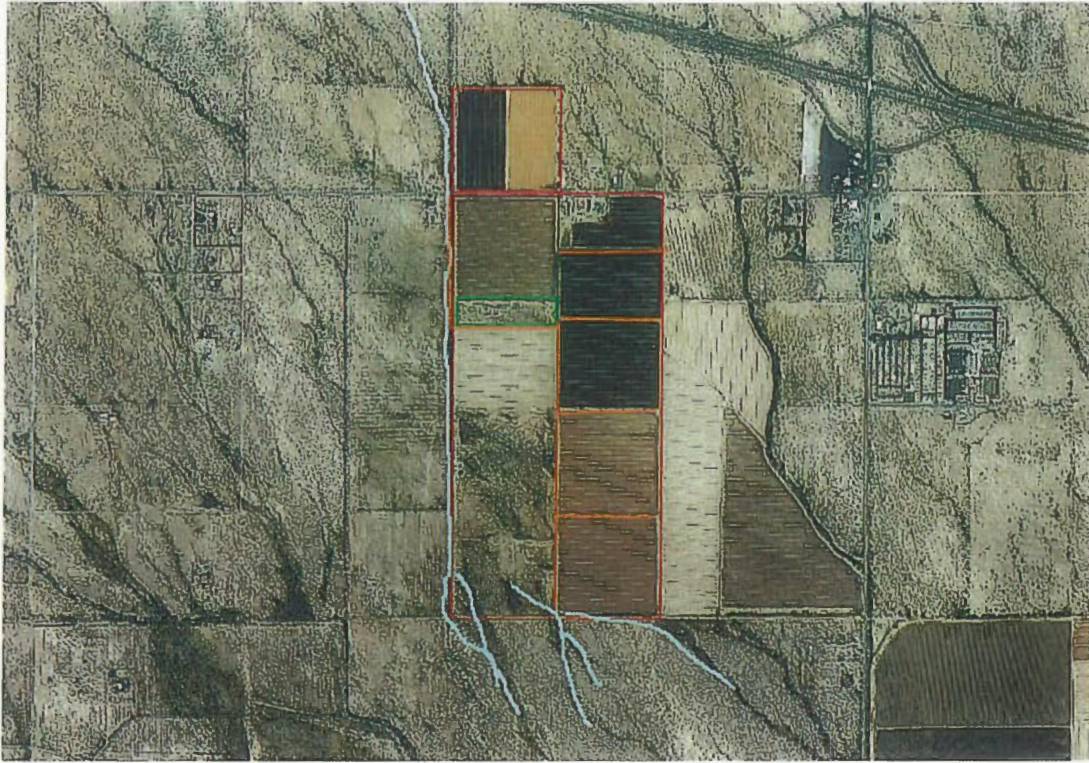
4) Natural buffers irrigation ditch and road then unnamed wash on west perimeter (facing south).



5) Lined concrete washout (facing west).



6) Dust control south boundary of disturbed area facing north.



- 7) Property from County assessor image. Parcels outlined in red, disturbed area = green, irrigation ditches = orange, dry washes = light blue.



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF INSPECTION RIGHTS
Stormwater

FACILITY INFORMATION		ADEQ INFORMATION	
Facility Name :	HICKMAN'S FAMILY FARMS - TONOPAH	Date/Time of Inspection:	12MAY14
Facility Location:	41625 W Indian School Rd Tonopah, AZ 85354	County:	Maricopa
Mailing Address:	6515 S Jackrabbit Trail Buckeye, AZ 85326	Inspector:	Deborah Schadewald-Kohler
Responsible Party:	Hickman's Egg Ranch, Inc	Telephone:	(602) 771-2225
On-Site Representative:	Billy Hickman	Accompanied by:	
Telephone	623-872-1120	ADEQ Follow-up Contact:	
Title:		Deborah Schadewald-Kohler	
Telephone		Title:	Environmental Engineering Specialist
		Telephone:	(602) 771-2225

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

☐ That the purpose of the inspection is to determine:

☐ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:

Arizona Revised Statutes: Title 49, Chapter 2, Article 3

Arizona Administrative Code: Title 18, Chapter 9, Articles 2 (Part A & B), 7, and 9

Arizona Administrative Code: Title 18, Chapter 11, Article 1 and 4

Permit/Agreement Number: _____

☐ Qualification for a license issued pursuant to:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

☐ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § 41-1009 and §49-203.B.1

Arizona Administrative Code: R 18-9-110

Permit/Agreement Number : AZCON-80915

☐ That the fee for this inspection is: \$61, only the annual compliance insp. for Reuse Permitted facilities (A.A.C.R18-14-101(8)(i))
No fee for APP, AZPDES, Unpermitted, State-owned, Industrial WWT only

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the
Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection

[] I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.

Paul Yeatts 5/12/14
Signature of Regulated Person or Authorized On-Site Representative Date

[] The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative Title

[] The regulated person or an authorized on-site representative was not present at the facility.

Deborah Schadewald-Kohler 12MAY14
Signature of ADEQ Representative Date

INSPECTION RIGHTS

- ☐ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- ☐ I understand that I have right to, on request:
 - Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
 - A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
 - Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense;
 - Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.
- ☐ I also understand that:
 - Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
 - Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded;
 - If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12901 *et seq.*;
 - If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4322 toll free inside Arizona at (800) 234-5677, extension, 771-4322); or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 toll free at (800) 872-2879);
 - If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Administrative Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF INSPECTION RIGHT

FACILITY INFORMATION		ADEQ INFORMATION	
Facility Name (Customer):	Hickman's Family Farms - Tonopah	Date/Time of Inspection:	12-18-14 @ 10:15 AM
Facility Location (Place):	41625 West. Indian School Road, Tonopah, AZ 85354 - 7322	County:	Maricopa
Mailing Address:	6515 S. Jackrabbit Trail, Buckeye, AZ 85326	Inspector:	Robert Phalen, Biosolids Coordinator
Responsible Party:	Hickman's Egg Ranch, Inc.	Telephone:	602-771-7674 rp4@azdeq.gov
On-Site Representatives:	Billy Hickman	Accompanied by:	N/A
Telephone:	BH: 623-386-1303	ADEQ Follow-up Contact:	Tyler Viliborghi
Title:	BH: Vice-President	Title:	Environmental Program Specialist
E-Mail:	bghickman@hickmanseggs.com	Telephone:	602-771-7667 tv1@azdeq.gov
<p>The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:</p> <p>■ That the purpose of the inspection is to determine:</p> <p>■ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:</p> <p>Arizona Revised Statutes: <u>N/A</u></p> <p>Arizona Administrative Code: Title <u>18</u>, Chapter <u>9 et seq.</u></p> <p>■ A.A.C. R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations)</p> <p>Permit/Agreement Number: <u>N/A</u></p> <p><input type="checkbox"/> Qualification for a license issued pursuant to:</p> <p>Arizona Revised Statutes: § _____</p> <p>Arizona Administrative Code: R _____</p> <p>■ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:</p> <p>Arizona Revised Statutes: § <u>41-1009, 49-203(B)(1)</u></p> <p>Arizona Administrative Code: <u>R -9-110 (presentation of credentials, right of entry)</u></p> <p>■ A.A.C. R-18-9-403 (Nitrogen General Permits: Concentrated Animal Feeding Operations)</p> <p>Permit/Agreement Number : <u>N/A</u></p> <p>■ That the fee for this inspection is: <u>ZERO</u></p> <p>*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm</p> <p>While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection</p> <p><input type="checkbox"/> I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.</p> <p><i>Shari Yates</i> Signature of Regulated Person or Authorized On-Site Representative</p> <p>December 18, 2014 Date</p> <p><input type="checkbox"/> The regulated person or authorized on-site representative refused to sign.</p> <p>_____ Name of Regulated Person or Authorized On-Site Representative</p> <p>Title</p> <p><input type="checkbox"/> The regulated person or an authorized on-site representative was not present at the facility.</p> <p><i>[Signature]</i> Signature of ADEQ Representative</p> <p>December 18, 2014 Date</p>			

INSPECTION RIGHTS

- ☐ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- ☐ I understand that I have right to, on request:
 - Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
 - A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
 - Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense;
 - Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.
- ☐ I also understand that:
 - Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
 - Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded;
 - If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12901 *et seq.*;
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 - If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Administrative Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).



Arizona Department of Environmental Quality Complaint Receipt Form

Site/Operator/Source Name:

Place Not Determined

Responsible Party:

Responsible Party Not Determined

Date: 12/02/14	Taken By:
Complaint #: 11407	
Date Assigned:	Priority Code:
Assigned to: Phalen, Robert	Phone: (602) 771-7674

Address:

Address Not Found

Location:**Phone:****Type of Operation:****Major Cross Streets:**

Hickman's Family Farms - Tonopah
41625 W. Indian School Road
411th Ave. & Indian School Road
Tonopah

County: Maricopa**Description of Complaint:**

A public records request (CTS323096) was made for Hickman's Family Farm Tonopah facility and there was no documentation that a Notice of Intent was filed (R18-9-C901.B); that a general permit was issued (R18-9-C901.E); that the Director conducted an onsite inspection of the animal feeding operation to make a CAFO determination (R18-9-D901.C), so it is not known if the facility is a CAFO (R18-9-D901); that a Nitrogen Management General Permit as issued (R18-9-403); that site-specific nutrient management practices are in place (R19-9-D902.C); or documentation of the coefficient of permeability for actual impoundment liner installed (R18-9-403.B). On or before September 16, 2014 the first chicken house was populated at the Hickman's Family Farms Tonopah facility. Photos documenting this event can be provided. A chicken house holds 300,000+ hens. A second chicken house is being or has been populated so there are possibly 600,000+ hens at the facility. Needless to say, it is in operation and there is no evidence that they have the proper permits from ADEQ. Request that ADEQ investigate and take prompt enforcement actions. I request a copy of the resolution to this complaint. This may be a duplicate. I attempted to file this complaint on November 10th, but cannot find the automated reply with the complaint number.

Date of Occurrence: 09/16/14**Substance Involved:** Lack of permits**Quantity of Substance:** Unknown**Medium Affected:** Water**Best Time to Witness:****Verifying Documentation:****Complainant Name:**

CONFIDENTIAL

Referring Agency:**Phone:****Agent's Name:****E-Mail:****Phone:****Address:**

"Do you feel that release of your name may result in substantial harm to any person, including yourself, or to the public health or safety?" YES

"Have you been referred to ADEQ?" NO**If YES, describe:****By Whom:****Follow-up Requested:** YES

Robert Phalen

From: Emily Bonanni
Sent: Wednesday, December 17, 2014 3:40 PM
To: Robert Phalen
Subject: AZURITE Complaint #11404
Attachments: Hickman Tonopah photolog 12.16.2014.docx

Hi Rob,

After contacting the complainant, on 12/16/2014, I performed a road surface surveillance of W. Indian School Rd, approximately one mile west of 411th Ave. At the time of my visit I did not observe any significant mud track out from the Hickman's Farms Tonopah Facility onto Indian School Rd.

The complainant also stated his residence was being littered with tiny feathers from the Hickman's Farms Facility. Again, at the time of my visit I did not observe any feathers along the road surface or on the soft shoulder of W. Indian School Road.

At the time of the visit, I noticed additional hen houses under construction. I wondered if additional measures along the fence line of Indian School Rd, could be applied in securing feather debris from leaving the Hickman's Farms Facility.

I have not contacted anyone from the Hickman's Family Farms.

Sincerely,
Emily



Arizona Department of Environmental Quality
Complaint Receipt Form

Site/Operator/Source Name:

Hickman'S Family Farms - Tonopah

Responsible Party:

Hickman'S Family Farms
32425 W Salome Hwy
Arlington, Az 85322

Phone: (623) 386-1333

Major Cross Streets:

Hickman's egg farm
41625 w. Indian School Rd.
411th ave and Indian School Rd.
Tonopah
CAFO- layer hens

Address:

41625 W Indian School Rd
Tonopah, Az 85354

Location:

LAT: 33d, 29', 35.66" N LNG: 112d, 26', 53.66" W

Type of Operation: Cafo - Commercial Animal Feeding C

County: Maricopa

Description of Complaint:

Dust particles, I am assuming it is dander because it is making family members itch when outside, and tiny little feathers that can only be seen against the sunlight. Can be seen coming in waves and clusters with the incoming breeze and horrible dusty chicken smell. Have pics and video on the occurrences. Besides the itching I believe it is also the source of my migrain headaches and nausea.

Date of Occurrence: 11/28/14

Substance Involved: smell and tiny feathers and pa

Quantity of Substance: Continuous drizzle of tiny fea

Medium Affected: Unknown

Best Time to Witness: any time down wind of farm

Verifying Documentation:

Complainant Name:

CONFIDENTIAL

Referring Agency:

Phone:

Agent's Name:

E-Mail:

Phone:

Address:

"Do you feel that release of your name may result in substantial harm to any person, including yourself, or to the public health or safety?" YES

"Have you been referred to ADEQ?" NO

If YES, describe:

By Whom:

Follow-up Requested: YES

Case Referred: YES NO

If YES, to whom:

Date Referred:

Date Inspected:

Status:

Inspector's Notes:

Air Quality Field Surveillance Photographing


Site Location: Indian School Rd, West of 411 th Avenue, Tonopah, AZ		Photographer: Emily Bonanni	Camera: Surface Tablet
Weather: Partly Cloudy Sky			
Photo No. 1	Date: 12/16/2014		
Direction Photo Taken: Northeast			
Photo Description: Photo taken approx. 9:39 A.M., standing approx. 1 mile W of 411 th Ave. on W. Indian School Rd, photo of residential property NW of the Hickman's Farms Tonopah Facility.			


Photo No. 2	Date: 12/16/2014	
Direction Photo Taken: East		
Photo Description: Photo taken approx. 9:42 A.M. standing on W. Indian School Rd photo of an alternate Entrance/Exit path located on the west side of the Hickman's Farms Tonopah Facility.		

Photo No. 3	Date: 12/16/2014
Direction Photo Taken: West	
Photo Description: Photo taken approx. 9:45 A.M., standing on W. Indian School Rd photo of road surface and the Main Entrance/Exit travel path of the Hickman's Farms Tonopah Facility.	



Photo No. 4	Date: 12/16/2014
Direction Photo Taken: East	
Photo Description: Photo taken approx. 9:45 A.M., standing on W. Indian School Rd looking east, photo of road surface east of the Hickman's Farms Tonopah Facility Main Entrance.	



Robert Phalen

From: Maribeth E. Greenslade
Sent: Wednesday, December 03, 2014 3:35 PM
To: Robert Phalen
Subject: Hickman Egg Tonopah
Attachments: Hickman's Tonopah Facility Information Request; RE: Hickman's Tonopah Facility Information Request; Email Follow Up Re APP DOA status

Hi Rob,

I've attached an e-mail from Kelli Huston (8/20/14) and my response (8/21/14). The two e-mails pretty well summarize my understanding of the Tonopah facility.

The third e-mail is Kelli Huston's summary of the status of the DOA for the Tonopah facility as of 9/25/14. I talked to Kelli on 10/7/14 and she indicated she would be getting the geotechnical information from Alpha Geotechnical the following week. She said the client would want to review the DOA before it was submitted. I haven't talked to Kelli again.

Let me know if you want to discuss.

Thanks,
Maribeth

Maribeth E. Greenslade, P.E.
Sr. Environmental Engineer
Water Permits Section
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, Arizona 85007
602 771-4578

Robert Phalen

From: Kellie Huston <khuston@hustonenvironmental.com>
Sent: Wednesday, August 20, 2014 10:12 PM
To: Maribeth E. Greenslade
Cc: 'Billy G. Hickman'; 'Paul Yeatts'; 'Frank Ruiz'
Subject: Hickman's Tonopah Facility Information Request

August 20, 2014

Arizona Department of Environmental Quality, Groundwater Section
Attention: Ms. Maribeth E. Greenslade, P.E., Sr. Environmental Engineer
1110 West Washington Avenue
Phoenix, Arizona 85007

Office (602) 771-4578
Email Greenslade.Maribeth@azdeq.gov

Re: Hickman's Tonopah Facility Information Request

Dear Ms. Greenslade,

This email serves to follow up and document our discussion yesterday, Tuesday, August 19th, 2014 regarding a request for information that the Arizona Department of Environmental Quality (ADEQ) received for records for the Hickman's Family Farms – Tonopah Facility. The following bullet items are presented to document our telephone discussion, a summary of our understanding, and to address the action items per that discussion.

- 1) As we discussed, our points of contacts at the Tonopah facility are two different people (Mr. Yeatts for ADEQ and Mr. Ruiz for us). In addition, we have been in communication with Mr. Spencer York with the ADEQ for CAFO permitting process for the future facility operations. Therefore, in an effort to keep everyone informed of our discussions and action items regarding this request for information, I have copied the following on this email for informational purposes.
 - Mr. Billy G. Hickman, Facility Owner, Email bghickman@hickmanseggs.com
 - Mr. Paul Yeatts, ADEQ's Point of Contact for the Tonopah Facility, Email pyeatts@hickmanseggs.com
 - Mr. Frank Ruiz, Our Point of Contact at the Tonopah Facility, Email: fr Ruiz@hickmanseggs.com
 - Mr. Spencer York, ADEQ CAFO Inspector, Our CAFO Point of Contact at ADEQ, Email: york.spencer@azdeq.gov
- 2) Please note that Mr. Yeatts remains the ADEQ point of contact unless otherwise informed. However, as such, please note that Hickman's Family Farms has retained Huston Environmental Services to assist them with the CAFO permitting process. As such, they have authorized me to speak directly with the ADEQ regarding the referenced requests for information and associated action items.
- 3) Based on our discussions, we understand that the ADEQ has received a call from a concerned citizen regarding the potential (if any) impact to the groundwater by the presence of "ponds" at the Hickman's Family Farm CAFO facility in Tonopah.
- 4) In response to the concerned citizen inquiry, the ADEQ Groundwater Section requested copies of the Geotechnical Report and Design Report for the "pond" at the Tonopah facility. We understand the ADEQ has

requested that information to determine if the design and sub grade construction of the pond considered the subsidence and uplift that is occurring in the Tonopah area from the groundwater recharge at the Tonopah Desert Regarding Project (TDRP). Further, in order to respond to the concerned citizen inquiry, we also understand the ADEQ requested satellite data of the Tonopah area (including the Hickman's Family Farms Tonopah plant) from the Arizona Department of Water Resources (ADWR).

- 5) Based on the information that you provided regarding the concerned citizen request, we discussed that the Tonopah facility does not intend to land apply manure and that ALL manure will be contained within the interior of the facility buildings. The manure will routinely be loaded onto trucks and transported off site for processing as fertilizer. Therefore, since manure will not be exposed to stormwater, the facility will not have "manure ponds".
- 6) We discussed the presence of a surface impoundment that will be utilized at the facility to receive process wastewater produced from the washing of eggs in the processing plant. As we discussed, process wastewater may have trace amounts of manure that could be bound to the egg and may have a trace amount of defoaming egg wash that is required to be used as part of the sterilization process. The process wastewater is stored in the surface impoundment for evaporation purposes.
- 7) As we discussed, it was understood this type of "pond" design was previously reviewed and approved for the Arlington facility as part of a Determination of Applicability (DOA). It is further understood that the ADEQ at that time approved the "pond" design and indicated that an APP was not required as the pond is considered a process wastewater impoundment as part of the CAFO operation as defined in R18-9-403(A). The pond was designed and approved by the ADEQ to meet the requirements of that section, including the linear requirements in Subsection B.
- 8) Based on the facility previously being instructed these types of ponds are considered process wastewater, that they do not require an individual APP, that the ponds are regulated as a process wastewater impoundment, and that the design for the Arlington facility meets the applicable regulatory requirements, the construction of two "ponds" at the Tonopah facility are currently under way. One of the ponds has the previously approved linear already installed and the second pond remains unlined.
- 9) As we discussed, Hickman's Family Farms intends to construct and operate the Tonopah facility with the upmost of environmentally-conscious operations. Therefore, based on the requested information and discussions with the ADEQ, Hickman's Family Farms is ready to proceed with a geotechnical review and/or opinion to obtain recommendations specific to the design of the surface impoundments as it relates to the regional groundwater mounding resulting from the TDRP.
- 10) In addition, as the Arlington facility has previously went through the DOA process, we discussed that it would be more affordable and timely if the records from ADEQ's involvement and the associated regulatory guidance for the Arlington DOA be located so that we can prepare a letter to also submit to the ADEQ for documentation purposes. At the time of this email we are in the process of locating the existing records and contacting the engineering firm and installation firms to gather the requested design documents.
- 11) We are also in discussions with the geotechnical engineer to provide the requested information, in particular, if the design considered potential implications of groundwater mounding and uplift in the area from the TDRP. The existing geotechnical information will be reviewed by the engineer to prepare an opinion letter and/or cost estimate to perform further subsurface investigation if deemed necessary. Hickman's Family Farms will notify ADEQ once we receive that feedback from the geotechnical engineer. **We anticipate that the soonest we will receive feedback from the engineer will be the end of next week, Friday, August 29th.** We very much apologize for (any) delay; however, please be assured that ADEQ's request is being addressed as quickly as possible.

12) When we spoke you had indicated that you would also inquire internally to attempt to locate the ADEQ records for the Arlington DOA as well to assist with the regulatory discussion of the pond. Please advise if you locate and/or any status is greatly appreciated.

Please advise if this email letter addresses your concerns and demonstrates Hickman's Family Farms willingness to provide and respond to all ADEQ and concerned citizen inquiries. Thank you for your assistance Ms. Greenslade. We will be in touch just as soon as we have further information and certainly prior to next Friday.

Best Regards,



Kellie R. Huston, CHMM | Principal Owner
Huston Environmental Services
16412 South 30th Avenue | Phoenix, Arizona 85045
Office 480-216-9291 | Fax 480-283-2600
khuston@hustonenvironmental.com
www.hustonenvironmental.com

PRIVILEGED AND CONFIDENTIAL: This electronic message and any attachments are confidential. The information is intended only for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. If you have received this message in error, please immediately notify the sender and purge the message you received. Do not forward this message without permission.

Please consider the environment before printing this email.

Robert Phalen

From: Maribeth E. Greenslade
Sent: Thursday, August 21, 2014 11:55 AM
To: 'Kellie Huston'
Cc: 'Billy G. Hickman'; 'Paul Yeatts'; 'Frank Ruiz'
Subject: RE: Hickman's Tonopah Facility Information Request
Attachments: DOA.pdf

Hi Kellie,

Thank you for summarizing our conversation.

I would like to clarify that the Arlington facility was evaluated in a Determination of Applicability (DOA) and determined to be subject to the Nitrogen Management General Permit for Concentrated Animal Feeding Operations (CAFO) pursuant to Arizona Administrative Code (A.A.C.) R18-9-403, which is a general aquifer protection permit (see attached DOA letter for Arlington). The CAFO general permit is a permit by rule and doesn't require an application from the permittee or written authorization from the Department. As long as the requirements are met, the permit is in effect.

I've located the DOA file for the Arlington facility and it is available for review and copying if you are interested. Please contact the ADEQ Records Management Center to request the file (Inventory number 106249), and let them know that I would be the contact person for the file. The records center can be reached at: RecordsCenter@azdeq.gov

Although there is no requirement for an application for the CAFO general permit, the Tonopah facility may elect to submit a DOA application for review by the Department as a way to establish whether the CAFO general permit applies to the ponds at Tonopah. Through the DOA review, ADEQ would be able to review the design and geotechnical information, including an evaluation of the effects of potential subsidence/uplift, for the ponds at the Tonopah facility.

Please let me know if you have any questions.

Thanks,
Maribeth

Maribeth E. Greenslade, P.E.
Sr. Environmental Engineer
Groundwater Section
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, Arizona 85007
602 771-4578

From: Kellie Huston [mailto:khuston@hustonenvironmental.com]
Sent: Wednesday, August 20, 2014 10:12 PM
To: Maribeth E. Greenslade
Cc: 'Billy G. Hickman'; 'Paul Yeatts'; 'Frank Ruiz'
Subject: Hickman's Tonopah Facility Information Request

August 20, 2014

Arizona Department of Environmental Quality, Groundwater Section
Attention: Ms. Maribeth E. Greenslade, P.E., Sr. Environmental Engineer
1110 West Washington Avenue
Phoenix, Arizona 85007

Office (602) 771-4578
Email Greenslade.Maribeth@azdeq.gov

Re: Hickman's Tonopah Facility Information Request

Dear Ms. Greenslade,

This email serves to follow up and document our discussion yesterday, Tuesday, August 19th, 2014 regarding a request for information that the Arizona Department of Environmental Quality (ADEQ) received for records for the Hickman's Family Farms – Tonopah Facility. The following bullet items are presented to document our telephone discussion, a summary of our understanding, and to address the action items per that discussion.

- 1) As we discussed, our points of contacts at the Tonopah facility are two different people (Mr. Yeatts for ADEQ and Mr. Ruiz for us). In addition, we have been in communication with Mr. Spencer York with the ADEQ for CAFO permitting process for the future facility operations. Therefore, in an effort to keep everyone informed of our discussions and action items regarding this request for information, I have copied the following on this email for informational purposes.
 - Mr. Billy G. Hickman, Facility Owner, Email bghickman@hickmanseggs.com
 - Mr. Paul Yeatts, ADEQ's Point of Contact for the Tonopah Facility, Email pyeatts@hickmanseggs.com
 - Mr. Frank Ruiz, Our Point of Contact at the Tonopah Facility, Email: fruiz@hickmanseggs.com
 - Mr. Spencer York, ADEQ CAFO Inspector, Our CAFO Point of Contact at ADEQ, Email: york.spencer@azdeq.gov
- 2) Please note that Mr. Yeatts remains the ADEQ point of contact unless otherwise informed. However, as such, please note that Hickman's Family Farms has retained Huston Environmental Services to assist them with the CAFO permitting process. As such, they have authorized me to speak directly with the ADEQ regarding the referenced requests for information and associated action items.
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- 4) In response to the concerned citizen inquiry, the ADEQ Groundwater Section requested copies of the Geotechnical Report and Design Report for the "pond" at the Tonopah facility. We understand the ADEQ has requested that information to determine if the design and sub grade construction of the pond considered the subsidence and uplift that is occurring in the Tonopah area from the groundwater recharge at the Tonopah Desert Regarding Project (TDRP). Further, in order to respond to the concerned citizen inquiry, we also understand the ADEQ requested satellite data of the Tonopah area (including the Hickman's Family Farms Tonopah plant) from the Arizona Department of Water Resources (ADWR).
- 5) Based on the information that you provided regarding the concerned citizen request, we discussed that the Tonopah facility does not intend to land apply manure and that ALL manure will be contained within the interior of the facility buildings. The manure will routinely be loaded onto trucks and transported off site for processing

as fertilizer. Therefore, since manure will not be exposed to stormwater, the facility will not have “manure ponds”.

- 6) We discussed the presence of a surface impoundment that will be utilized at the facility to receive process wastewater produced from the washing of eggs in the processing plant. As we discussed, process wastewater may have trace amounts of manure that could be bound to the egg and may have a trace amount of defoaming egg wash that is required to be used as part of the sterilization process. The process wastewater is stored in the surface impoundment for evaporation purposes.
- 7) As we discussed, it was understood this type of “pond” design was previously reviewed and approved for the Arlington facility as part of a Determination of Applicability (DOA). It is further understood that the ADEQ at that time approved the “pond” design and indicated that an APP was not required as the pond is considered a process wastewater impoundment as part of the CAFO operation as defined in R18-9-403(A). The pond was designed and approved by the ADEQ to meet the requirements of that section, including the linear requirements in Subsection B.
- 8) Based on the facility previously being instructed these types of ponds are considered process wastewater, that they do not require an individual APP, that the ponds are regulated as a process wastewater impoundment, and that the design for the Arlington facility meets the applicable regulatory requirements, the construction of two “ponds” at the Tonopah facility are currently under way. One of the ponds has the previously approved linear already installed and the second pond remains unlined.
- 9) As we discussed, Hickman’s Family Farms intends to construct and operate the Tonopah facility with the upmost of environmentally-conscious operations. Therefore, based on the requested information and discussions with the ADEQ, Hickman’s Family Farms is ready to proceed with a geotechnical review and/or opinion to obtain recommendations specific to the design of the surface impoundments as it relates to the regional groundwater mounding resulting from the TDRP.
- 10) In addition, as the Arlington facility has previously went through the DOA process, we discussed that it would be more affordable and timely if the records from ADEQ’s involvement and the associated regulatory guidance for the Arlington DOA be located so that we can prepare a letter to also submit to the ADEQ for documentation purposes. At the time of this email we are in the process of locating the existing records and contacting the engineering firm and installation firms to gather the requested design documents.
- 11) We are also in discussions with the geotechnical engineer to provide the requested information, in particular, if the design considered potential implications of groundwater mounding and uplift in the area from the TDRP. The existing geotechnical information will be reviewed by the engineer to prepare an opinion letter and/or cost estimate to perform further subsurface investigation if deemed necessary. Hickman’s Family Farms will notify ADEQ once we receive that feedback from the geotechnical engineer. **We anticipate that the soonest we will receive feedback from the engineer will be the end of next week, Friday, August 29th.** We very much apologize for (any) delay; however, please be assured that ADEQ’s request is being addressed as quickly as possible.
- 12) When we spoke you had indicated that you would also inquire internally to attempt to locate the ADEQ records for the Arlington DOA as well to assist with the regulatory discussion of the pond. Please advise if you locate and/or any status is greatly appreciated.

Please advise if this email letter addresses your concerns and demonstrates Hickman’s Family Farms willingness to provide and respond to all ADEQ and concerned citizen inquiries. Thank you for your assistance Ms. Greenslade. We will be in touch just as soon as we have further information and certainly prior to next Friday.

Best Regards,

Kellie R. Huston



Kellie R. Huston, CHMM | Principal Owner
Huston Environmental Services
16412 South 30th Avenue | Phoenix, Arizona 85045
Office 480-216-9291 | Fax 480-283-2600
khuston@hustonenvironmental.com
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Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin
Director

September 26, 2011

Hickman's Family Farms
Attn: Glenn and/or Billy Hickman
6515 South Jackrabbit Trail
Buckeye, AZ 85326

Re: Determination of Applicability for Hickman's Family Farms

Inventory Number:	106249	LTF ID:	NA
USAS Number:	510777-00	Place ID:	9932

Dear Mr. Hickman:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the Determination of Applicability (DOA) application for the Hickman Family Farms. Based on the information submitted with the DOA received on March 24, 2011, **an Aquifer Protection Permit (APP) will be required** for the concentrated animal feeding operation (CAFO). Pursuant to the Arizona Revised Statutes (A.R.S.) 49-241(A), the facility is subject to the following APP requirements:

1. All CAFOs are required to comply with the Nitrogen Management General Permit for CAFOs. This APP general permit (A.A.C. R18-9-403) protects groundwater by minimizing discharges of nitrogen to groundwater from waste impoundments and other CAFO activities through the use of best management practices (BMPs). For the Nitrogen Management General Permits, an owner or operator of a CAFO is covered under the general permit if the owner or operator complies with best management practices (BMPs) outlined in the rule, that minimize the discharge of nitrogen to the aquifer. The BMPs are designed to control nitrogen discharges through the:
 - Harvesting, stockpiling and disposal of animal manure;
 - Control and disposal of manure contaminated water from CAFO activities;
 - Construction and maintenance of the lining of any impoundment used to contain process wastewater or contact stormwater from a CAFO operation. The rule provides the lining requirements for new and existing impoundments and requires the owner or operator of a CAFO to notify ADEQ when a new impoundment is put into use or an existing impoundment liner has been upgraded.

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

2. A Type 4.23 general permit (A.A.C. R18-9-E323(A)) is required for more than one on-site wastewater treatment facility on a property or on adjacent properties under common ownership with a combined design flow from 3000 to less than 24,000 gallons per day (gpd) if all requirements in A.A.C. R18-9-E323(A) apply. This general permit can be obtained directly through Maricopa County Environmental Services Department.
3. A Type 3.03 general permit (A.A.C. R18-9-D303) is required for vehicle and equipment washes. ADEQ has developed the Type 3 general permits, which are "permits by rule", to address these type of systems. Please refer to the Arizona Administrative Code (A.A.C.) R18-9-D303 vehicle and equipment washes Type 3.03 general permit to determine if your facility meets the specific requirements. To apply for a Type 3 general permit, submit the appropriate Notice of Intent (NOI) form and permit fee to ADEQ. The NOI form may be downloaded from ADEQ's website at www.azdeq.gov/envirom/water/permits/app.html#noi.

Pursuant to Arizona Administrative Code (A.A.C.) R18-9-106, the owner of the discharging facility shall, within 90 days of receiving ADEQ's written notification, submit an application for an Aquifer Protection Permit or closure plan.

ADEQ may withdraw this decision if future changes in operation occur or if the information submitted in the DOA is found to be inaccurate. Further, this letter is not intended to waive any federal, state or local requirements.

This decision is an appealable agency action under A.R.S. § 41-1092. You have a right to request a hearing and file an appeal under A.R.S. § 41-1092.03(B). You must file a written Request for Hearing or Notice of Appeal within **30 days** of your receipt of this Notice. A Request for Hearing or Notice of Appeal is filed when it is received by ADEQ's Hearing Administrator as follows:

Hearing Administrator
Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

The Request for Hearing or Notice of Appeal shall identify the party, the party's address, the agency and the action being appealed and shall contain a concise statement of the reasons for the appeal. Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal you have a right to request an informal settlement conference with ADEQ under A.R.S. § 41-1092.06. This request must be made in writing no later than **20 days** before a scheduled hearing and must be filed with the Hearing Administrator at the above address.

If you have any questions, please contact Ingrid Clark at (602) 771-4385.

Mr. Hickman
September 26, 2011
Page 3 of 3

Sincerely,

A handwritten signature in cursive script, appearing to read "Ingrid Clark".

Ingrid Clark
Groundwater Section
Water Quality Division

cc: Jerry H. Smit, R.G., Manager, Groundwater Section (GWS), WQD, ADEQ
Mindi Cross, Manager, Compliance Section, WQD, ADEQ
Maribeth Greenslade, P.E., Manager, Mining & Industrial/Drywell Unit, GWS, WQD,
ADEQ
Lynne Dekarske, EPS/Billing, GWS, WQD, ADEQ

AU11:0072

Robert Phalen

From: Kellie Huston <khuston@hustonenvironmental.com>
Sent: Thursday, September 25, 2014 2:33 PM
To: Maribeth E. Greenslade
Cc: 'Frank Ruiz'; 'Paul Yeatts'
Subject: Email Follow Up Re APP DOA status

Hello Maribeth,

This email serves to follow up our conversation today regarding the status of the APP DOA for the Hickman's Tonopah facility. As we discussed we were able to perform the geotechnical drilling yesterday, Wednesday, September 24th. We subcontracted Alpha Geotechnical to perform the work. According to Mr. Scott R. Smith, P.E. with Alpha, he expects to be able to provide their engineering report within one week. We will notify you immediately should their geotechnical report identify potential issues with the surface impoundments in regards to the installation and/or the Tonopah Groundwater Recharge Facility.

We also discussed the Septic Systems and Drinking Water System to be installed at the facility. As we discussed, the permitting for both are being performed as part of the construction activities. We inquired what level of documentation we would need for these two systems for inclusion in the APP DOA. Based on that discussion, we ascertained the following:

Septic Systems – As we discussed, the facility has received the Construction Authorization Permit (Permit #142712) from Maricopa County Environmental Services Department (MCESD) to install two septic systems at the facility. We assume the facility will begin installation of the septic systems very soon. We inquired if we would need to wait until installation and receipt of the County's Discharge Authorization before submitting the APP DOA. We understand that, along with our narrative, the Construction Authorization Permit should be adequate to document the wastewater disposal at the facility and that additional documentation isn't anticipated at this time.

For supplemental information beyond our telephone conversation, the facility will install two 2,500-gallon septic tanks with associated leach fields to accommodate the calculated design flow capacity of 4,410 gallons per day. Based on that information, the facility septic systems will be regulated as a Type 4.23 General Permit.

Drinking Water System – As we discussed, the facility will have a public drinking water system. The facility will utilize two groundwater wells during the operation. A (former) irrigation well will be utilized in the production process (dust control, animals watering, etc). An existing domestic groundwater well will be utilized for drinking water purposes at the facility. We indicated to you that we believed the drinking water system will most likely have a treatment system but that we had not discussed the status of the drinking water system with the facility personnel. We understand that the APP DOA will need to include information regarding the drinking water system design, treatment and operation. Specifically we will need to document generation and disposal of unusable water and/or sediment from the system as well as document the facility's operational plan in regards to discharge during backwash and maintenance. As we discussed, we will gather that information and call you late next week to further discuss.

Thank you for taking the time to speak with me today Maribeth. Please let me know if I understood our conversation properly. Your assistance in clarifying ADEQ's documentation requirements have been very helpful.

Have a great day!

Best Regards,

Kellie R. Huston



Kellie R. Huston, CHMM | Principal Owner
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